

BOX AF

Practitioner's Docket No. MSU 4.1-458

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Linda S. Mansfield, Mary Rossano, Alice Murphy
and Ruth Vrable
Application No.: 09 / 513,086 Group No.: 1632
Filed: September 24, 2000 Examiner: J. Woitach
For: VACCINE TO CONTROL EQUINE PROTOZOAL MYELOENCEPHALITIS IN
HORSES

**RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP**

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APR 02 2001

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Assistant Commissioner for Patents
Washington, D.C. 20231

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AMENDMENT OR RESPONSE AFTER FINAL REJECTION—TRANSMITTAL

1. Transmitted herewith is an amendment after final rejection (37 C.F.R. § 1.116) for this application.

NOTE: Response to Final Rejection—Avoiding Extension Fees "In patent applications wherein a three month Shortened Statutory Period (SSP) is set for response to a Final Rejection, the response would best be

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

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I hereby certify that, on the date shown below, this correspondence is being:

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- ☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231
37 C.F.R. § 1.8(a)
☒ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Addressee" (mandatory)
37 C.F.R. § 1.10*

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Tammi L. Taylor
Signature

Date: 3/27/01

Tammi L. Taylor

(type or print name of person certifying)

*WARNING: Each paper or fee filed by Express Mail must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Amendment or Response After Final Rejection—Transmittal [9-20]—page 1 of 4)

filed within two months of the date of the Office Action. If filed within two months, any Advisory Action mailed after the SSP expires will reset the SSP to expire on the date of the Advisory Action for extension fee purposes, but never more than six months from the date of the Final Rejection." Notice of Nov. 30, 1990 (1122 O.G. 571 to 591). See M.P.E.P. § 714.13, 6th ed., rev. 3.

STATUS

2. Applicant is

- ☐ a small entity. A statement:
- ☐ is attached.
- ☐ was already filed.
- ☒ other than a small entity.

EXTENSION OF TERM

NOTE: As to a Supplemental Amendment filed in response to a final office action, the Notice of December 10, 1985 (1061 O.G. 34-35) states:

"If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run."

3. (complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$ 195.00
<input type="checkbox"/> three months	\$ 890.00	\$ 445.00
<input type="checkbox"/> four months	\$ 1,390.00	\$ 695.00

Fee: \$ _____

If additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)		SMALL ENTITY		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA		ADDIT. FEE OR RATE		ADDIT. FEE OR RATE	
TOTAL	* 21	MINUS	** 50	=	-0-	×\$9=	\$	×\$18=	\$ -0-
INDEP.	* 4	MINUS	*** 17	=	-0-	= \$40=	\$	= \$80=	\$ -0-
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM						+ \$135=	\$	+ \$270=	\$ -0-
						TOTAL	\$	OR TOTAL	\$ -0-
						ADDIT. FEE	\$		

- * If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: See 37 C.F.R. § 1.116.

(complete (c) or (d), as applicable)

(c) ☒ No additional fee is required.

OR

(d) ☐ Total additional fee required is \$ _____

FEE PAYMENT

5. ☐ Attached is a ☐ check ☐ money order in the amount of \$ _____
☐ Authorization is hereby made to charge the amount of \$ _____
☐ to Deposit Account No. _____
☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should **not** be included on this form as it may become public.

- ☐ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

FEE DEFICIENCY

NOTE: Where there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the case. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. ☒ If any additional extension and/or fee is required, charge Account No. 13-0610.

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 13-0610.

Reg. No.: 20,931

Tel. No.: (517) 347-4100

Customer No.: 21036


SIGNATURE OF PRACTITIONER

Ian C. McLeod
(type or print name of practitioner)

2190 Commons Parkway
P.O. Address

Okemos, Michigan 48864



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02/21/01

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Linda S. Mansfield, Mary Rossano, Alice
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Commissioner of Patents and Trademarks

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Do not Enter
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AMENDMENT UNDER 37 C.F.R. § 1.116(c)

Dear Sir:

In response to the Office Action dated
February 7, 2001, the applicants amend and remark as set
forth below.

In the Specification:

Replace the paragraph beginning at page 13,
line 1, with the following rewritten paragraph.

--The present invention provides a vaccine
that protects equids against *Sarcocystis neurona*. In a
preferred embodiment, the vaccine consists of a 16 (14)